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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,095	05/12/2006	Roberto Rosa	290953US0PCT	6748
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	
			MULCAHY, PETER D	
ALEAANDRIA, VA 22514			ART UNIT	PAPER NUMBER
		1796		
			NOTIFICATION DATE	DELIVERY MODE
			07/10/2009	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com oblonpat@oblon.com jgardner@oblon.com

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION.  Enablished from many be available under the provisions of 37 CFR 1-1806, into event, however, may any by be timely filled.  If NO period for reply is appeclied above, the maintain situation prondor will apply and will expire SIX (3) MONTHS from the malling date of this communication.  Failur to reply within the set or controlled period for reply is appeclied above, the maintain situation prondor will apply and will expire SIX (3) MONTHS from the maintain date of this communication.  Failur to reply within the set or controlled period for reply will by station, cause the application Desorn ABANDCHO, 56 U.S.C. § 133.  Provided the provided by the communication of the maintain state of this communication, swen if timely filed, may reduce any search punch times application.  Status  1) Responsive to communication (S) filed on 25 April 2009.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8.21-26.28 and 30 is/are pending in the application.  4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) 1-8.22-26.28 and 30 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) Mon		Application No.	Applicant(s)					
Perior D. Mulcahy  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - If NO period for right is appointed above, the research stability present and separate stable s	Office Action Commence	10/579,095	ROSA ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALINING DATE OF THIS COMMUNICATION.  Leatenion of them she be availated under the provisions of 37 CHT 1308), in no event however, may reply be timely litted  ♣ BNO period for reply is operation above, the macetime statistics priority of the application to income ANNEXPER (SULS. € 133).  ♣ Fallies to reply which has not or elected period for reply in period period for his puriority.  ♣ Fallies to reply which has not or elected period for reply in period period files communication.  ♣ Fallies to reply which has not or elected period for reply in the priority income any statistics.  ♣ Fallies to reply which has not expendent period for reply in the application in the application is communication.  ♣ Fallies to reply which has not expendent period for reply in the application in the application is not final.  ♣ Fallies to reply the period in the period for the period in the period for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  ■ Disposition of Claims  ♣ Fallies to replace the period of	Oπice Action Summary	Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Enhances to the many be available under the processor of 3° CFR 1.13(b). In no event, however, may a rayby be timely flied after SIX (8) MCNTHS from the mailing date of the communication.  Failes to reprove the many be available under the processor of 3° CFR 1.13(b). In no event, however, may a rayby be timely flied after SIX (8) MCNTHS from the mailing date of the communication.  Failes to reprove the the contended period for rayby with by stables, cause the application to Deceme MAINDTONE 103 U.S.C. § 1333. Any rophy received by the Office leter than three months after the mailing date of this communication, even if timely flied, may reduce any secured partot the major with the mailing date of this communication, even if timely flied, may reduce any secured partot them adjusted to the contended period for region to the mailing date of this communication, even if timely flied, may reduce any secured partotic three mailing date of this communication, even if timely flied, may reduce any secured partotic three mailing date of this communication.  Status  1) □ Responsive to communication(s) filled on 25 April 2009.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3 □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 □ Claim(s) 1-8.21-26.28 and 30 is/are pending in the application.  5 □ Claim(s) 1-8.21-26.28 and 30 is/are pending in the application.  5 □ Claim(s) 1-8.22-26.28 and 30 is/are pending in the application.  5 □ Claim(s) 1-8.22-26.28 and 30 is/are pending in the application requirement.  Application Papers  9 □ The specification is objected to by the Examiner.  10 □ The drawing(s) filled on 1-8.22 is/are withdrawn from consideration.  11 □ The cath or declaration is objected to by the Examiner.  Applicate may not request that any objection to the dra	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
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## **DETAILED ACT**

The rejection set forth under 35 USC 103 is held in abeyance. Applicants' narrowing of species and arguments regarding patentable distinction between polymeric resins has necessitated the following election of species requirement. The election of species requirement set forth 1/29/08 and the election filed 2/28/08 is herein acknowledged. Applicant's elected homopolymers and copolymers of vinylidene chloride in this election. Applicant's have now amended the claims so as to not read upon homopolymers of vinylidene chloride and argue that the are patentably distinct from those polymers now claimed. As such, applicants are required to elect an **ultimate specie of synthetic resin.** 

## Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Applicant is required, in reply to this action, to elect a single specie <u>of synthetic</u> <u>resin</u> to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

The following claim(s) are generic: 1-8 and 23-30.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Applicant's continued narrowing and arguments of patentable distinctness.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter D. Mulcahy whose telephone number is 571-272-1107. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter D. Mulcahy/ Primary Examiner, Art Unit 1796